

## **EXHIBIT “C”**

LAW OFFICES

KNECHTEL, DEMEUR & SAMLAN

525 WEST MONROE  
SUITE 2360  
CHICAGO, ILLINOIS 60661  
(312) 655-9900 • FAX (312) 655-1917

ROBERT E. KNECHTEL (1932-1992)  
BASIL E. DEMEUR  
ALAN B. SAMLAN, P.C.

DAVID J. HURLEY  
STEPHEN B. SAMLAN

7369 WEST NORTH AVENUE  
RIVER FOREST, ILLINOIS 60305  
(708) 771-4515 • FAX (708) 771-4458

April 30, 2015

**Via Certified Mail Return Receipt Requested and**  
**e-mail: [info@winstonproducts.us](mailto:info@winstonproducts.us)**

Winston Breedon  
Chief Executive Officer  
Winston Products LLC  
30339 Diamond Parkway  
Cleveland, OH 44139

RE: **Infringement of U.S. Patents D 543,896 and U.S. 6,789,295**

Dear Mr. Breedon:

Our law firm represents Staffan Gunnarsson and Amicus Trade AB (collectively referred to as "Plaintiff"), and as further supported by Die Mold Tool Ltd., Store Solutions LLC, and Hampton Products International Corp., in connection with Plaintiff's various intellectual property matters.

**Patent Infringement of U.S. Patents D 543,896 and 6,789,295**

Plaintiff is the owner of U.S. Patents D 543,896 entitled "Fastening Clip" granted by the U.S. Patent and Trademark Office on June 5, 2007 ("the '896 Patent", **see copy attached**) and U.S. 6,789,295 entitled "Clamp Apparatus" granted by the U.S. Patent and Trademark Office on September 14, 2004 ("the '295 Patent", **see copy attached**). As the owner of the '896 Patent and the '295 Patent, the Plaintiff has the exclusive right to make, use, offer for sale, and sell products covered by these patents in the United States as well as the right to exclude others from making, using, offering for sale, and/or selling products covered by the '896 and '295 Patents within the United States.

Upon review of Lowes ("Lowes") website, [http://www.lowes.com/pd\\_645212-23805-1861\\_4294644698](http://www.lowes.com/pd_645212-23805-1861_4294644698), it appears that Winston Products LLC ("Winston") is manufacturing, advertising, offering for sale, and/or selling the following product(s) throughout the United States: (1) SmartStraps Tarp Clip (the "Tarp Clip 1"), as illustrated in the attached **Exhibit "A"**; and (2) SmartStraps Tarp Clip (the "Tarp Clip 2"), as illustrated in the attached **Exhibit "B"**.

In comparing the Tarp Clip 1 and Tarp Clip 2 products to the '896 Patent and the '295 Patent, it appears that the Tarp Clip 1 and Tarp Clip 2 products are covered by one or more of the claims of both of these patents.

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The '896 Patent is a design patent that has one claim. The standard for determining design patent infringement is the "ordinary observer" test which states "[I]f, in the eye of an ordinary observer, giving such attention as a purchaser usually gives, two designs are substantially the same, if the resemblance is such as to deceive such an observer, inducing him to purchase one supposing it to be the other, the first one patented is infringed by the other." *See, e.g., Egyptian Goddess, Inc. v. Swisa, Inc., citing Gorham Co. v. White*, 81 U.S. 511 (1871). Upon review of the Tarp Clip 1 and the Tarp Clip 2, these product designs are substantially the same as the design patented in the '896 Patent as an "ordinary observer" would be deceived by the resemblance between both of these products and the clip as illustrated in the '896 Patent. For example the overall shape and design of the clamping surfaces, the hole through which the cord passes, and the saw tooth design on one of the clamping elements are representative of just some of the similarities.

The '295 Patent has one independent claim and thirteen dependent claims. Referring to Claim 1, for example and the Claim Chart as illustrated in the attached **Exhibit "C"**, all of the elements in independent Claim 1 are found in the Tarp Clip 1 and Tarp Clip 2 products. The same analysis likewise applies to the independent claims.

Thus, the Plaintiff asserts that Winston's unauthorized manufacture, use, offer to sell, and/or sale of its Tarp Clip 1 and Tarp Clip 2 products in the United States appears to be infringing both the '896 Patent and the '295 Patent in violation of the federal laws as set forth in the Patent Act, 35 U.S.C. §271. Under the provisions of this federal statute, if Winston is found guilty of infringement of the '896 Patent and/or the '295 Patent, it could be liable for damages adequate to compensate Plaintiff for the infringement but no less than a reasonable royalty, together with interest and costs, and, if deemed exceptional, attorneys' fees.

Accordingly, we request that Winston immediately cease and desist from the further manufacture, use, and/or sale of the Tarp Clip 1 and the Tarp Clip 2 products in the United States; and confirm that any products in inventory shall be destroyed. We further request that Winston recall any of these products in inventory from its customers for destruction as well.

In the event that this matter cannot be resolved, our client is prepared to take further legal measures to enforce its rights which may include filing a lawsuit in the federal court to enjoin the further manufacturing, use, and/or sale of said infringing products. In addition, should legal action be initiated, customers and any others in the chain of sales or distribution that are also manufacturing, using, and/or selling the infringing product could be named as further defendants.

We are interested in an amicable resolution of this matter and look forward to your response within fourteen (14) days of this letter.

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By this letter, Plaintiff does not waive any rights, defenses, or arguments, and it expressly reserves any and all rights, defenses, and arguments.

Very truly yours,

KNECHTEL, DEMEUR & SAMLAN

A handwritten signature in black ink, appearing to read "Alan B. Samlan", written in a cursive style.

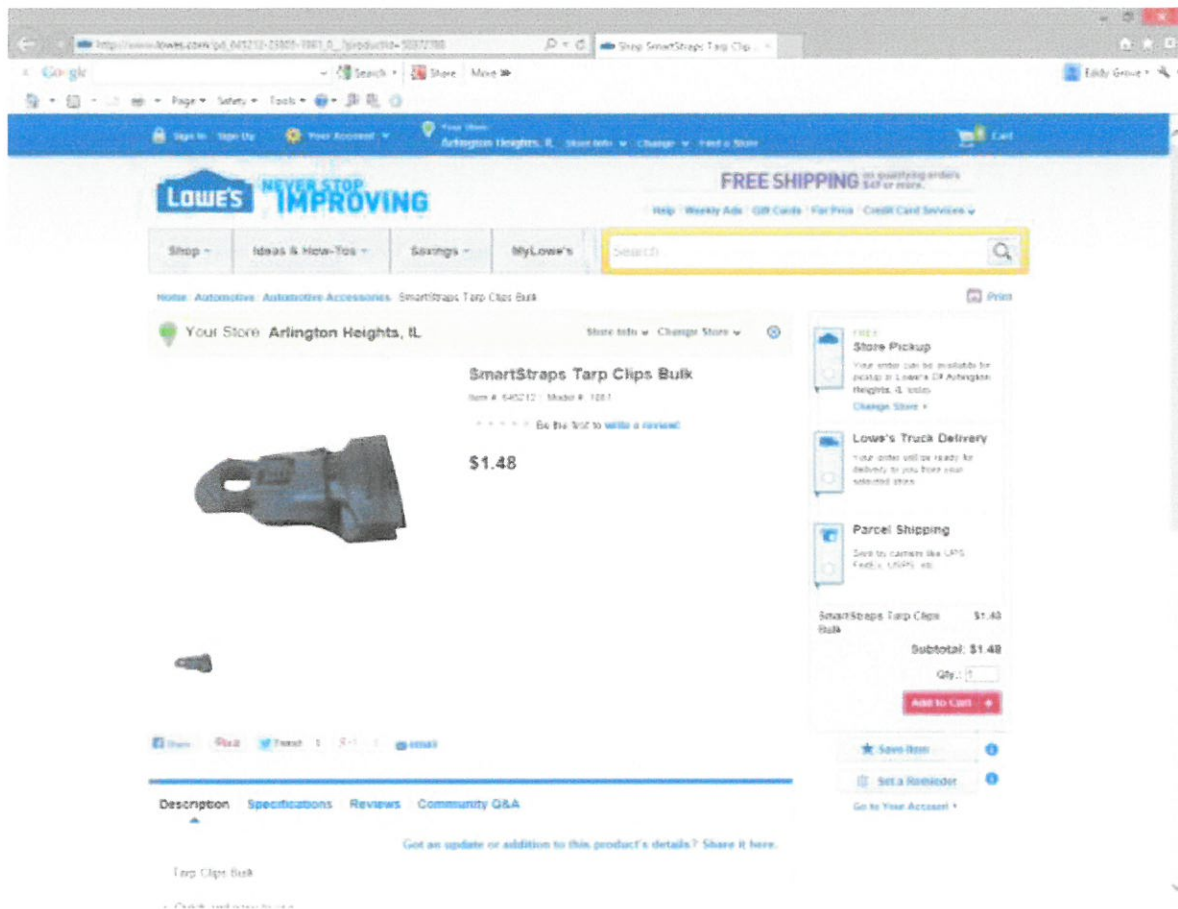
Alan B. Samlan

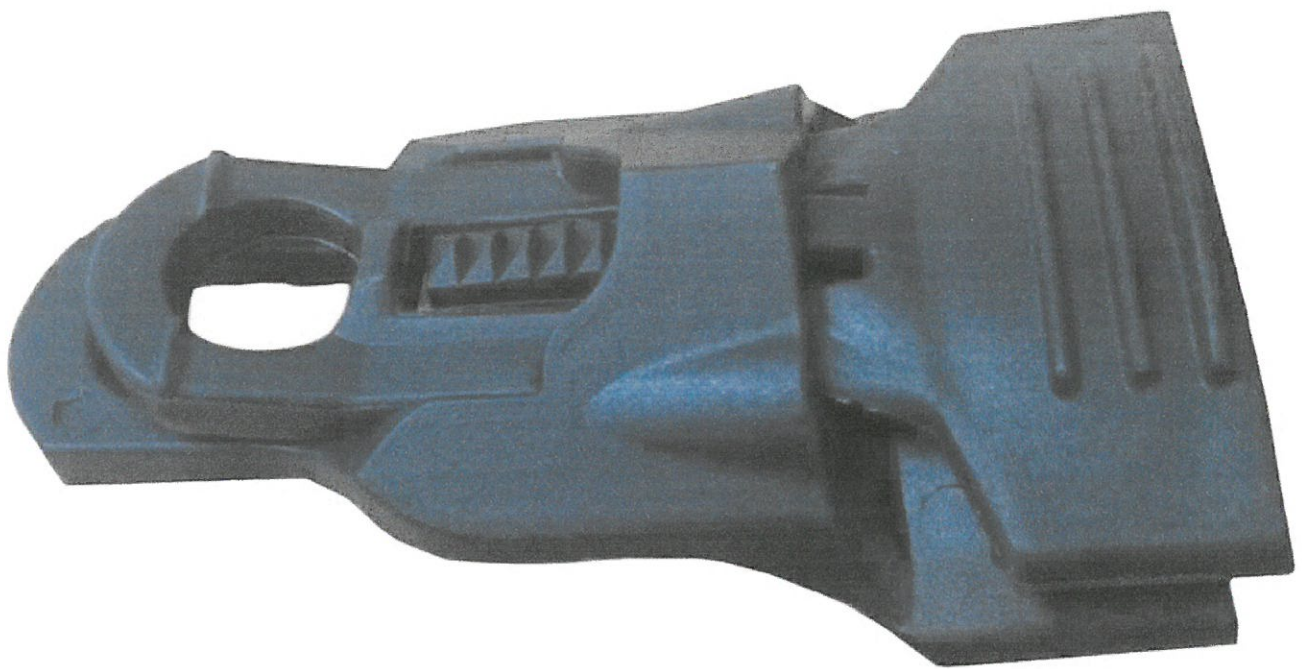
Enclosures

cc: Staffan Gunnarsson  
Amicus Trade AB  
Die Mold Tool Ltd.,  
Store Solutions LLC,  
Hampton Products International Corp.

## **EXHIBIT “A”**

EXHIBIT A





## **EXHIBIT “B”**

EXHIBIT B



## **EXHIBIT “C”**

**CLAIM CHART**

*U.S. Patent 6,789,295: Independent Claim 1*

**U. S. PATENT NO. 6,789,295**

**Winston's Tarp Clip 1 and Tarp Clip 2**

<p>1. A clamp apparatus for application to a sheet-shaped object by gripping two opposite sides of the object, characterized in</p>	<p>Winston's Tarp Clip 1 product (<b>Figure 1: page 2, reference #8</b>) and Tarp Clip 2 product (<b>Figure 2: reference #8</b>) each provides a clamp apparatus for application to a sheet-shaped object by gripping two opposite sides of the object, characterized in;</p>
<p>a tubular element (10) with an inner passage (11) and a clamp surface (12) projecting from the opposite side of the element, and</p>	<p>Winston's Tarp Clip 1 product (<b>Figure 1: page 2, reference #8</b>) and Tarp Clip 2 product (<b>Figure 2: reference #8</b>) each provides a tubular element (10) (<b>Figure 1: page 2, reference #10; Figure 2: reference #10</b>) with an inner passage (11) (<b>Figure 1: page 2, reference #11; Figure 2: reference #11</b>) and a clamp surface (12) (<b>Figure 1: page 2, reference #12; Figure 2: reference #12</b>) projecting from the opposite side of the element, and</p>

<p>a wedge shaped element (13) with a tapering section which is insertable into the passage (11) [via its wide opening], thereby forming a nip in cooperation with the clamp surface (12), said wedge shaped element being provided with a hole opening (14) for a drawstring so that the wedge shaped element is subjected to a substantially continuous pulling force when an object is entered into the nip, said pulling force being directed away from the object in the direction of said drawstring;</p>	<p>Winston's Tarp Clip 1 product (<b>Figure 1: page 2, reference #8</b>) and Tarp Clip 2 product (<b>Figure 2: reference #8</b>) each provides a wedge shaped element (13) (<b>Figure 1: page 2, reference #13; Figure 2: reference #13</b>) with a tapering section (<b>Figure 1: page 2, reference #16; Figure 2: reference #16</b>) which is insertable into the passage (11) [via its wide opening] (<b>Figure 1: page 2, reference #11; Figure 2: reference #11</b>), thereby forming a nip (<b>Figure 1: page 2, reference #18; Figure 2: reference #18</b>) in cooperation with the clamp surface (12) (<b>Figure 1: page 2, reference #12; Figure 2: reference #12</b>), said wedge shaped element (<b>Figure 1: page 2, reference #13; Figure 2: reference #13</b>) being provided with a hole opening (14) for a drawstring (<b>Figure 1: page 2, reference #14; Figure 2: reference #14</b>) so that the wedge shaped element (<b>Figure 1: page 2, reference #13; Figure 2: reference #13</b>) is subjected to a substantially continuous pulling force when an object is entered into the nip (<b>Figure 1: page 2, reference #18; Figure 2: reference #18</b>), said pulling force being directed away from the object in the direction of said drawstring;</p>
<p>wherein the passage (11) has a substantially rectangular cross-section and the clamp surface (12) forms an extension of one of the sides of the rectangular passage (11).</p>	<p>Winston's Tarp Clip 1 product (<b>Figure 1: page 2, reference #8</b>) and Tarp Clip 2 product (<b>Figure 2: reference #8</b>) each provides wherein the passage (11) (<b>Figure 1: page 2, reference #11; Figure 2: reference #11</b>) has a substantially rectangular cross-section and the clamp surface (12) (<b>Figure 1: page 2, reference #12; Figure 2: reference #12</b>) forms an extension of one of the sides of the rectangular passage (11) (<b>Figure 1: page 2, reference #11; Figure 2: reference #11</b>).</p>

FIGURE 1

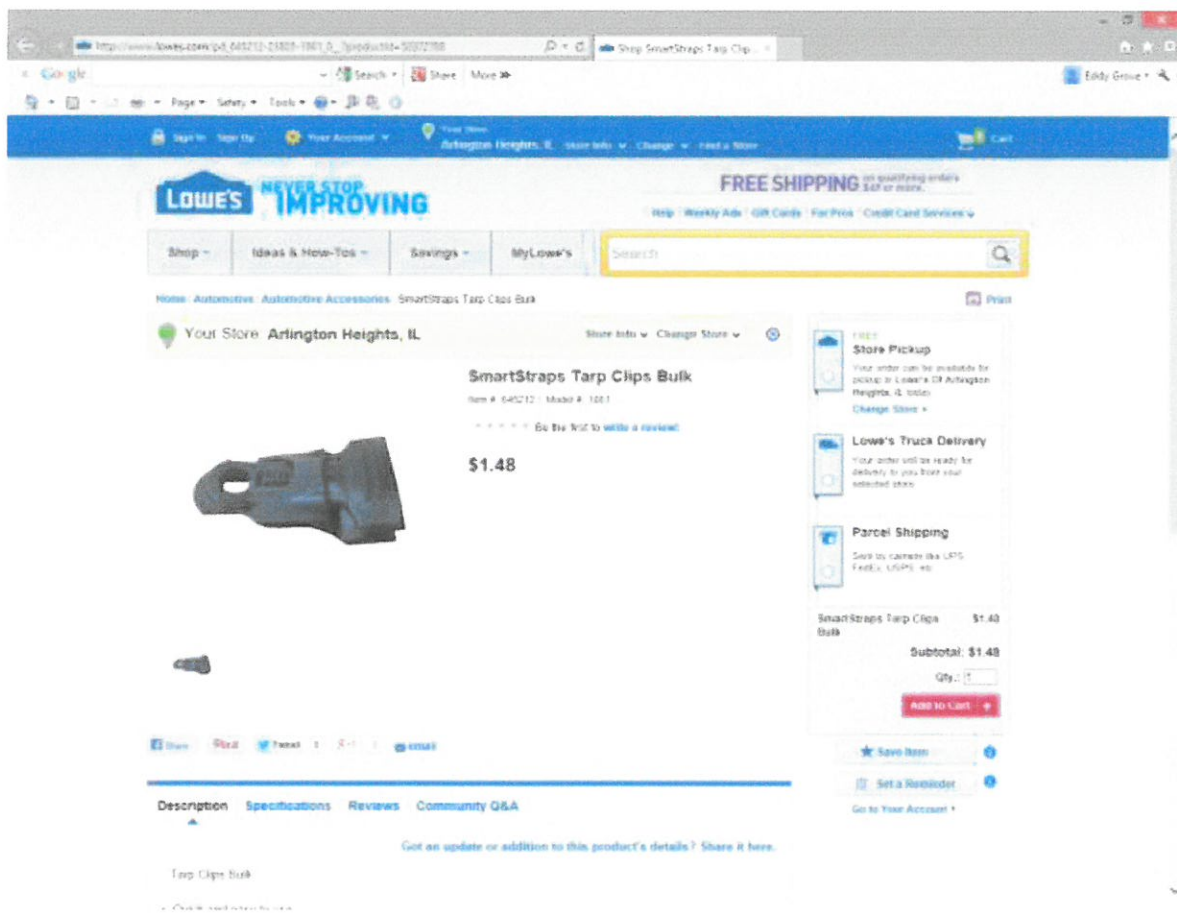


FIGURE 1

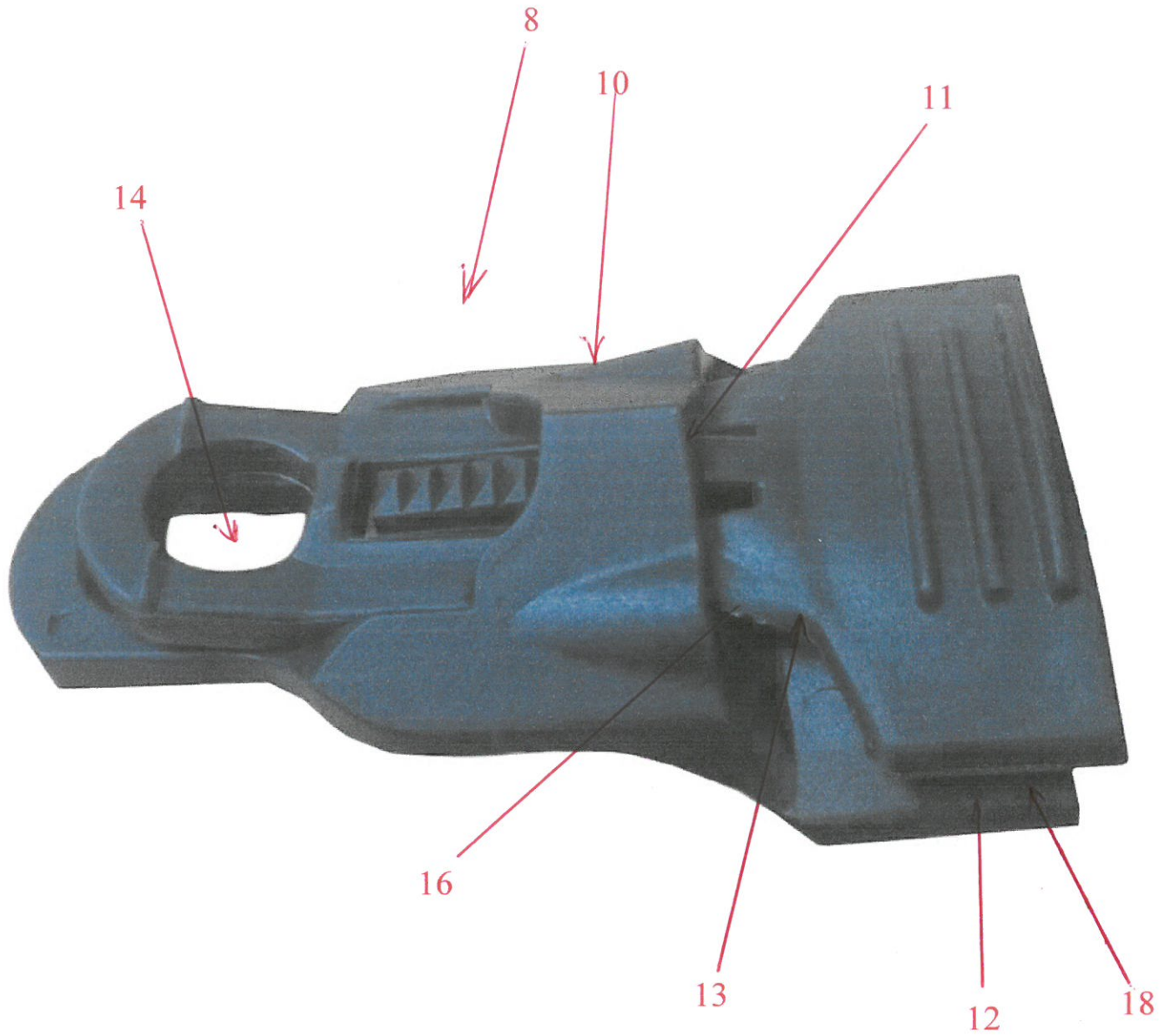


FIGURE 2

